

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KARIEM MATHIS,

Plaintiff,

v.

DAUPHIN CO. PRISON, et al.,

Defendants.

No. 3:CV-12-1317

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW this 10th day of September, 2012, upon review of the Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 12) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc.12) is **ADOPTED in its entirety**.
- (2) Plaintiff's claim for money damages against all Defendants in their official capacities is **DISMISSED WITH PREJUDICE**.
- (3) Defendant Dauphin County Prison is **DISMISSED WITH PREJUDICE** from this action.
- (4) Plaintiff's Eighth Amendment failure to protect claim against Defendants DeRose, Nichols, and Carroll is **DISMISSED WITHOUT PREJUDICE**.
- (5) Plaintiff may **PROCEED** on his Eighth Amendment failure to protect claim against Defendants Cryder, Hoose, and Weikel.
- (6) Plaintiff may **PROCEED** on his Eighth Amendment excessive force claim against Defendants Frankenstein, Lieutenant Smith, and Sergeant Smith.
- (7) This matter is **RECOMMITTED** to Magistrate Judge Blewitt.



A. Richard Caputo
United States District Judge